

The PROB 12
(Rev. 2/94)

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

Richard Lee Jacobs,

Defendant.

Criminal Action No. 1:06CR00039-1 (SLR)

Petition on Probation and Supervised Release

COMES NOW Frank Kurzeknabe PROBATION OFFICER OF THE COURT presenting an official report upon the conduct and attitude of Richard Lee Jacobs who was placed on supervision by the Honorable Daniel B. Sparr, sitting in the court at Denver, Colorado on the 31st day of October 2002, who fixed the period of supervision at three years, and imposed the general terms and conditions theretofore adopted by the court and also imposed special conditions and terms as follows:

The defendant shall participate in a program of mental health treatment, as directed by the probation officer, until such time as the defendant is released from the program by the probation officer. The defendant will be required to pay the cost of treatment as directed by the probation officer. The court authorizes the probation officer to release psychological reports and the presentence report the treatment agency for continuity of treatment.

The defendant shall not incur credit charges or open additional lines of credit without the approval of the probation officer, unless the defendant is in compliance with the installment payment schedule.

The defendant shall make restitution payments at monthly rate of \$50.00 (pursuant to Court ordered modification of conditions approved by the Court on June 10, 2004).

On May 3, 2006, the following special condition was imposed by the Court: The defendant shall participate in a drug counseling and random testing program as directed by the probation officer.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT AND FOR CAUSE AS FOLLOWS:
(If short insert here; if lengthy write on separate sheet and attach)

Above probation officer has reason to believe that Richard Lee Jacobs has violated the terms and conditions of his supervised release under such circumstances that may warrant revocation of his supervised release. These conditions are:

MANDATORY CONDITION: "While on probation or supervised release, you shall not commit another Federal, state or local crime. The defendant shall not possess a controlled substance."

STANDARD CONDITION #7: "The defendant shall refrain from the excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substance, except as prescribed by a physician."

EVIDENCE: On August 1, 2006, the probation officer administered a urine test. That test was returned as positive for cocaine. On August 23, 2006, the SODAT Program (a federal contract substance abuse and urine testing program) administered a urine test. That test result was returned as positive for cocaine.

STANDARD CONDITION #2: "You shall report to the probation officer as directed by the Court or probation officer, and shall submit a truthful and complete written report within the first five days of each month."

EVIDENCE: During an office scheduled on August 14, 2006, the defendant received verbal and written notification scheduling his next office visit on Thursday, August 24, 2006, at 8:30 a.m. The defendant telephoned the probation office at 7:20 a.m. on August 24, 2006 and left a voice mail message stating that he was having transportation difficulties and could not appear as scheduled at 8:30 a.m. The defendant requested that the probation officer call him on his cell phone to schedule a later appointment on that day. After three failed attempts by the probation officer to contact the defendant on his cell phone, a voice mail message was left at 12:20 p.m. directing the defendant to appear for his appointment at 3:00 p.m. The defendant failed to appear for this appointment and the defendant failed to establish any contact with the probation officer regarding his missed that appointment.

EVIDENCE: On August 24, 2006, a letter was sent to the defendant's reported residence (West Motel, 711 Pulaski Highway, Room 9, Bear, Delaware 19701) scheduling him for an appointment on August 31, 2006 at 8:30 a.m. On August 31, 2006, the defendant telephoned the probation office at 7:50 a.m., and left a voice mail message stating that

a.m. and the appointment time was changed to 3:00 p.m. The defendant failed to appear for this appointment.

EVIDENCE: Defendant has failed to submit his monthly report and pay stubs required for July 2006.

STANDARD CONDITION #5: "You shall work regularly at a lawful occupation unless excused by the probation officer schooling, training or other acceptable reasons."

STANDARD CONDITION #6: "The defendant shall notify the probation officer at least ten days prior to any change in residence or employment."

EVIDENCE: During an office visit that occurred on August 14, 2006, the defendant reported that he had attained employment as a new and used car sales person with Castle Motors located in New Castle, Delaware. The probation officer confirmed this employment via telephone contact with that business on August 24, 2006. On August 31, 2006, the probation officer established telephone contact with Castle Motors and was informed by a manger that the defendant is no longer employed by the business and that he was terminated on August 24, 2006. The defendant failed to report this employment change and has failed to report his employment status.

SPECIAL CONDITION: "The defendant shall participate in a drug counseling and random testing program as directed by the probation officer."

EVIDENCE: The defendant has failed to appear for scheduled individual and group counseling sessions at the SODAT Program on the following dates: August 30, 2006 (individual).

PRAYING THAT THE COURT WILL ORDER ... that a warrant be issued for Richard Lee Jacobs and that he appear before the Court for a Revocation Hearing to determine if he is in violation of the conditions of his supervised release.

ORDER OF COURT

Considered and ordered this 6th day of Sept., 2006.

James J. Roberts
Chief U.S. District Judge

Respectfully,

[Signature]
U.S. Probation Officer

Place Wilmington, Delaware

Date: September 5, 2006